IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8713 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE H.R.SHELAT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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JAT VARIYAM HAJI DINMOHMAD

Versus

UNION OF INDIA

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Appearance:

MR YS MANKAD for Petitioner

Ms. Davawala, for Respondent No. 1 (Not present)

Mr. Sudhansu S. Patel, AGP for Respondents No. 2 & 3.

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CORAM : MR.JUSTICE H.R.SHELAT

Date of decision: 10/10/2000

ORAL JUDGEMENT

By this application, the petitioner prays for the issuance of writ of a mandamus or any other appropriate writ setting aside the order of the Under Secretary to the Government of India dated 15th November 1991 whereby he and his family members are held to be the citizens of Pakistan and not India, and pursuant to which the

authorities are taking appropriate action against him for deporting him from India to Pakistan etc.

2. Hearing the learned advocates representing the parties and going through the record, no where a jurisdictional or a procedural error is found with regard to the order in question. It may also be mentioned that the petitioner had filed Regular Civil Suit No. 225 of 1985 in the Court of the Civil Judge (S.D.), Kuchchh at Bhuj for injunctive relief against the opponents restraining them from deporting him as he is the citizen of India etc., which is also, as submitted by the learned A.G.P., dismissed by the Court. In view of the matter, the petitioner has failed to make out a case for exercising writ jurisdiction. The petitioner is held to be the citizen of Pakistan and there is no infirmity in the said order. The petitioner has no right to be in India without Visa which he does not have. The respondents therefore cannot be directed as prayed, for the order in question cannot be quashed.

3. For the aforesaid reasons, this petition is liable to be dismissed and is dismissed accordingly. Rule discharged.

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